



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,846	02/26/2002	Joel E. Cordsmeyer	BELL-0118/01116	6839

7590

06/01/2004

Woodcock Washburn LLP
46th Floor
One Liberty Place
Philadelphia, PA 19103

EXAMINER

RAYYAN, SUSAN F

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 06/01/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Sk

Office Action Summary

Application No.

10/082,846

Applicant(s)

CORDSMEYER ET AL. 

Examiner

Susan F. Rayyan

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are pending.

Specification

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. The abstract of the disclosure is objected to because the abstract should include the technical disclosure of the improvement. Correction is required. See MPEP § 608.01(b).

4. This application contains an appendix consisting of a computer program listing of no more than ten (10) pages. In accordance with 37 CFR 1.96(b), a computer program listing contained on ten (10) pages or less, must be submitted either as drawings or as part of the specification. Accordingly, applicant is required to cancel the appendix and

Art Unit: 2177

either incorporate such listing in a drawing in compliance with 37 CFR 1.84 (identifying each page as a separate figure), or insert the computer program listing in the descriptive portion of the specification. If the listing is submitted as part of the specification, it must appear after the detailed description of the invention but before the claims and must be in the form of direct printouts from a computer's printer with dark solid black letters not less than 0.21 cm. high, on white, unshaded and unlined paper. The sheets should be submitted in a protective cover. See 37 CFR 1.96(b)(2).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4,13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4,13, the limitation "approximately" thirty seconds is indefinite. Using the term approximately renders the claim indefinite because the time or the range of acceptable time is not provided.

Claim 4 recites the limitation "the predetermined time period" " in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2177

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2,5-11,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 5,83,009) and Spencer (US 6,295,582) and Applicant's admitted prior art.

As per claims 1,8,11 Johnson teaches:

the procedure initiates deletion of older ... records in permanent memory, the new ... records comprising ... records generated while the older ... records are being deleted at col.9, lines 5-20 and col.21, lines 6-7.

Johnson does not explicitly teach ensuring there is adequate temporary memory for storing new ... records and however Spencer does teach this limitation at col.2, lines 40-45. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to prevent latency delay which otherwise is incurred if the cache memory is full (col. 3, lines 5-7).

Johnson and Spencer do not explicitly teach statistical records however admitted prior art does teach this at Specification, p.2, lines: 12-14. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to ensure network elements function properly (p.1, lines 9-10).

As per claim 2 same as claim arguments above and Spencer teaches: wherein the adequate temporary memory comprises ninety percent or more free memory space at col. 14, lines 7-11.

Art Unit: 2177

As per claim 5 same as claim arguments above and Spencer teaches:
wherein the temporary memory space comprises a log space at col.2, lines 40-45.

As per claims 6,9 same as claim arguments above and Johnson teaches:
wherein the permanent memory utilizes indices or pointers and the indices or pointers are reset following the deletion of older ...records at col. 2,lines 17-19.

As per claim 7,10 same as claim arguments above and Johnson teaches:
wherein the deletion of older statistical records occurs less frequently than hourly but at least once daily at col. 20, lines 56-64.

9. Claims 3-4,12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 5,83,009) and Spencer (US 6,295,582) and Applicant's admitted prior art and further in view of Hagersten et al. (US 5,802,563).

As per claim 3,12 same as claim arguments above and Johnson, Spencer, and admitted prior art does not explicitly teach comprising the further improvement of waiting a predetermined period of time if there is inadequate temporary memory however Hagersten does teach this limitation at col.4, lines 23-30. Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cited references to determine if the number of cached components exceed a threshold (col.6, lines 33-34).

As per claim 4,13 same as claim arguments above and Johnson, Spencer, and admitted prior art does not explicitly teach wherein the predetermined period of time comprises approximately thirty seconds however Hagersten does teach this limitation at col.4, lines 23-30. Thus it would have been obvious to one of ordinary skill in the art at

Art Unit: 2177

the time of the invention to combine the cited references to determine if the number of cached components exceed a threshold (col.6, lines 33-34).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Rayyan whose telephone number is (703) 305-0311. The examiner can normally be reached M-F: 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 703-305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for Official communications, (703) 746-7238 for After Final communications and (703) 746-7240 for Status inquiries and draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Susan Rayyan



May 27, 2004



GRETA ROBINSON
PRIMARY EXAMINER